IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. SPENCER THOMAS McCORMACK, Defendant.	CR 14-28-M-DLC FINDINGS AND RECOMMENDATION CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P.

11 and has entered a plea of guilty to one count of conspiracy to distribute

methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 846, as set forth in

Count II of the Indictment. In exchange for Defendant's plea, the United States

has agreed to dismiss Count IV of the Indictment.

After examining the Defendant under oath, I have made the following

determinations:

1. That the Defendant is fully competent and capable of entering an

informed and voluntary plea,

2. That the Defendant is aware of the nature of the charge against him and

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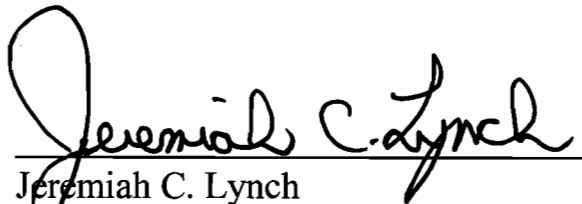consequences of pleading guilty to the charge,

3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Count II of the Indictment, and that sentence be imposed. I further recommend that Count IV of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 9th day of October, 2014.

Jeremiah C. Lynch
United States Magistrate Judge

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